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Date: April 14, 2004

To: **Examiner Brian Yong S. Kwon**
Group Art Unit 1614
U.S. Patent and Trademark Office

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From: **JAMES E. RULAND**

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Re: U.S. Patent Application No.. 09/838,286
HETEROARYL UREAS CONTAINING NITROGEN
HETERO-ATOMS AS P38 KINASE INHIBITORS
Our Ref: BAYER-14

Total No. of Pages: **29**; if you do not receive all pages, please call (703) 243-4133

Dear Sir:

Applicants acknowledge Examiner Kwon's time and courtesy during the March 31, 2004, teleconference with applicants' representative James E. Ruland. Per that telephone conference, attached is a copy of the latest version of claims from U.S. Patent Application Serial No. 10/125,369.

Also attached is an Information Disclosure Statement with a Form PTO 1449. After reviewing the claims, applicants respectfully request the Examiner to initial the form and return it with the next paper from the Office.

If there are any remaining issues which can be expedited by a telephone conference, the Examiner is courteously invited to telephone counsel at the number indicated below.

Respectfully submitted,

~~James E. Ruland, Reg. No. 37,432~~
~~Attorney for Applicants~~

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to (571) 273-0677 to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 14, 2004.

Name _____

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MILLEN, WHITE, ZELANO & BRANIGAN, P.C.

உ.பொய்யாச்சாரியார்

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jacques DUMAS et al.

Confirmation No.: 9096

Serial No.: 09/838,286

Examiner: Brian Young S. Kwon

Filed: April 20, 2001

Group Art Unit: 1614

Title: HETEROARYL UREAS CONTAINING NITROGEN HETERO-ATOMS AS
P38 KINASE INHIBITORS**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.56, 1.97 AND 1.98**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This information disclosure statement is made in accordance with 37 C.F.R. §§ 1.56, 1.97 and 1.98 as follows:

TIMING AND FEES

- ☒ Under 37 C.F.R. § 1.97(b), no fee or statement is required for filing this information disclosure statement is filed:
- ☐ within three months of the filing date of a national application other than a CPA under § 1.53(d);
 - ☐ within three months of the actual filing date of the national phase of a PCT application; OR
 - ☒ before the mailing of a first substantive office action (including after filing of an RCE).
- ☐ Under 37 C.F.R. § 1.97(c), this information disclosure statement is filed after the periods specified in 37 C.F.R. § 1.97(b), but before the mailing date of:
- ☐ a final rejection under 37 C.F.R. § 1.113;
 - ☐ termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(13)(2); OR
 - ☐ a notice of allowance under 37 C.F.R. § 1.311; and
- is accompanied by:

- ☐ the statement as specified in 37 C.F.R. § 1.97(e) set out below; OR
- ☐ a check covering the fee of \$180.00 under 37 C.F.R. § 1.17(p).
- ☐ Under 37 C.F.R. § 1.97(d), this information disclosure statement is filed after the mailing date of the following actions which have not been withdrawn:
- ☐ a final action under 37 C.F.R. § 1.113;
- ☐ termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P. § 609(B)(2); OR
- ☐ a notice of allowance under 37 C.F.R. § 1.311;
- AND is filed on or before payment of the issue fee; AND is accompanied by:
- ☐ the statement as specified in 37 C.F.R. § 1.97(e) as set forth below, and the fee of \$180.00 under 37 C.F.R. § 1.17(p).

STATEMENTS UNDER 37 C.F.R. 1.97(e)

- ☐ Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application having a mailing date not more than three months prior to the filing date of this information disclosure statement; or
- ☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the undersigned attorney after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing date of the information disclosure statement.

CITED MATERIALS

- ☐ Copies of materials listed but not attached were cited in benefit (35 U.S.C. § 120) ancestor application Serial No. _____, on Form 892 by the Examiner and/or Form 1449 by the applicant; see 37 C.F.R. § 1.98(d).
- ☐ Copies of materials listed but not attached were cited in an international search report dated _____.
- ☒ Copies of the materials listed are attached (except for the foregoing).

NON-ENGLISH LANGUAGE REFERENCES

- ☐ An English-language search report or equivalent paper from a foreign patent office is provided indicating the relevance of the cited reference(s).
- ☐ A foreign-language search report from a foreign patent office is provided, and pertinent parts are translated substantively below:

- X = document of particular relevance when it is taken alone
Y = document of particular relevance when it is combined with another such document
A = document defining the general state of the art
O = non-written disclosure
P = intercalated document
T = document cited to understand the theory or principle underlying the invention
E = patent document which has the benefit of a date earlier than the filing date and which was published only on or after this filing date
D = cited in the application
L = cited for another reason
& = publication of member of same patent family

☐ Translation of other relevant information on foreign search report

OTHER INFORMATION

None

PAYMENT OF FEES DUE (IF ANY):

- ☐ A check for \$_____ covering the fee identified above is attached.
- ☐ Please charge to Deposit Account No. 13-3402 \$_____ for the fee identified above.
- ☒ The Commissioner is hereby authorized to charge or credit any overpayment to Deposit Account No. 13-3402, two copies of this paper are attached for this purpose.

Respectfully submitted,

James E. Ruland, Reg. No. 37,482
Attorney for Applicants

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Attorney Docket No.: BAYER-14

Date: April 14, 2004

JER/ALM K. 04/14/04 11:13:22 AM

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Substitute for form 1449A/PTO				Complete if Known:	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Application Number	09/838,286
				Filing Date	April 20, 2001
				First Named Inventor	Jacques DUMAS et al
				Group Art Unit	1614
				Examiner Name	Brian Yong S. Kwiat
Sheet	1	of	1	Attorney Docket Number	BAYER-14

U.S. PATENT DOCUMENTS					
Examiner Initials *	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code ² (if known)		
	A1				
	A2				
	A3				
	A4				
	A5				
	A6				
	A7				

FOREIGN PATENT DOCUMENTS							
Examiner Initials *	Cite No. ¹	Foreign Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Page, Column, Line, Figure, etc. Relevant Pages or Relevant Figures Appear	T ⁴
		Office ³	Number ²				
	B1						
	B2						
	B3						
	B4						
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NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ⁴
	C1	September 11, 2003, claims of U.S. Patent Application Serial No. 10/125,369, filed April 19, 2002, of Dumas et al.	
	C2		
	C3		

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO, Standard ST-16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.